

**CAUCUS MEETING**  
**April 5, 2018**

**A REGULAR SCHEDULED CAUCUS MEETING** of the Mayor and Council of the Borough of Carlstadt was held in the Caucus Room of the Borough Hall, 500 Madison Street, Carlstadt, New Jersey on Thursday, April 5, 2018 at 7:17 P.M.

Mayor Craig Lahullier asked Claire Foy, Borough Clerk to call the roll: Mayor Craig Lahullier, Councilmen Robert Zimmermann, David Stoltz, Richard Bartlett, James Lenoy and Joseph Emerson were present. Councilman William Roseman arrived at 7:34 P.M.

Mayor Lahullier led all present in the Pledge of Allegiance to the Flag.

Mayor Lahullier – This meeting has been called pursuant to the Open Public Meetings Law and in accordance with Section 5 of the Open Public Meetings Act, adequate notice of this meeting having been provided in the annual notice schedule which contained the time, date and location of the meeting, copies of which were sent and advertised in the following official newspapers of Carlstadt: The Record on January 6, 2018 and the Herald News on January 6, 2018 a copy of which is on the Bulletin Board in the Borough Hall and a copy on file in the office of the Borough Clerk.

Several crossing guards attended the meeting requesting some form of pay increase. Mayor Lahullier asked who would like to speak. Claire Haider said that since the winters are getting worse, the crossing guards have to buy more expensive clothing to keep warm. She mentioned perhaps to save money, grandfather the crossing guards who have been on the job fifteen or twenty years. Newer crossing guards should get less pay. Mayor Lahullier said we can take that into consideration as far as another line item in the salary ordinance. Another crossing guard spoke up asking for an increase in their pay in order to buy whatever clothing, etc. they need. Mayor Lahullier said this will have to be discussed with the Council and that this year's budget had been put together and would have to be discussed for next year, whether it be an increase, clothing allowance or whatever. Another crossing guard spoke up about lack of communications with the Board of Education and the Police Department regarding snow days. Other things discussed were hand held stop signs and other equipment they are supposed to have. Mayor Lahullier said they will look into this and make sure they have the equipment they should have and told them to come back to the first meeting in May and should have some answers for them.

Gregory Polyniak of Neglia Engineering read his report for the month regarding projects that are being done in the Borough of Carlstadt and is on file in the office of the Borough Clerk.

Robert Ceberio of RCM Ceberio, LLC read his report for the month and is on file in the office of the Borough Clerk.

Gunter Kuprat of the Carlstadt Turn Hall was in attendance and thanked the Mayor and Council for the plaque presented to their retired President and for inviting him to the last Council meeting. He said the Turn Hall needs handicap accessibility for the bathrooms and asked the Mayor and Council if they could look at this and draw up something for them so that he can bring it to their committee

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meeting. Mayor Lahullier entertained a motion to have Greg Polyniak of Neglia Engineering to go to the Turn Hall to review handicapped accessible plans. On motion by Roseman, seconded by Zimmermann, unanimous on call of roll.

The Fire Chief said he spoke about setting up an account at the Clock Tower Cleaners to have the fire gear cleaned there. The account has not been set up yet. Mayor Lahullier said he will look into this.

**EXECUTIVE SESSION MEETING ACT  
RECESS INTO CLOSED SESSION**

**WHEREAS**, it is necessary for the Governing Body of the Borough of Carlstadt to conduct an executive session closed to the public in order to discuss one or more of the following subjects: personnel, potential litigation and other legal matters.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt hereby moves to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. Seq. for the purpose of discussing one or more of the following subjects: personnel, potential litigation and other legal matters.

**AND, BE IT FURTHER RESOLVED** that the public will be informed either later this evening after reconvening the public meeting or at a future public meeting said date is not predictable at the present time.

**AND, BE IT FURTHER RESOLVED** that the matters discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

Mayor Lahullier entertained a motion to go into closed session at 8:03 P.M. On motion by Bartlett, seconded by Zimmermann, unanimous on call of roll.

The meeting went back into open session at 10:00 P.M. with the following members in attendance: Mayor Lahullier, Councilmen Zimmermann, Stoltz, Bartlett, Lenoy, Emerson and Roseman.

**RESOLUTION NO. 2018-118**

**RESOLUTION AUTHORIZING THE AWARD OF CONTRACT  
FOR PROFESSIONAL LEGAL SERVICES TO KENNETH A. PORRO, ESQ.,  
CHASEN LAMPARELLO MALLON CAPPUZZO, PC**

**WHEREAS**, the Borough instituted a five-year rolling reassessment of properties beginning in the year 2017 with the intention to maintain its property value equalization ratio at 100% percent; and

**WHEREAS**, it has recently come to the attention of the Governing Body that there is a discrepancy between the County of Bergen Tax Assessor's approved equalization ratio for the Borough of 99.09% and the State of New Jersey, Division of Taxation's Table of Equalized Valuations ratio of 68.20% for the year 2018; and

**WHEREAS**, the Governing Body desires to authorize the initiation of a legal proceeding against the State of New Jersey, Division of Taxation and any other necessary parties involved in the process of establishing the equalization ratio to correct the inconsistency between the County and State numbers, in such a manner as may be determined by counsel, in order for the Borough to seek damages and other equitable relief, and, therefore, has a need for professional legal services pursuant to N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the legal services to be rendered may exceed \$17,500; and

**WHEREAS**, Kenneth A. Porro, Esq., of the firm of Chasan Lamparello, Mallon & Cappuzzo, P.C., 300 Lighting Way, Suite 200, Secaucus, NJ 07094, will provide professional legal services on an hourly basis at the rate of \$175.00 for Attorneys and \$75.00 for paralegal/law clerks for initiating suit on an emergent basis and litigating this matter with a not to exceed amount of \$25,000.00; and

**WHEREAS**, Kenneth A. Porro, Esq., has completed and submitted a Business Entity Disclosure Certification which certifies that Kenneth A. Porro, Esq. and the firm of Chasan Lamparello Mallon & Cappuzzo, P.C. has not made any reportable contributions to a political or candidate committee in the Borough of Carlstadt in the previous one year (January 1, 2017 – December 31, 2017) and that this appointment and retention will prohibit Kenneth A. Porro, Esq. or the firm of Chasan Lamparello Mallon & Cappuzzo, P.C. from making any reportable contributions through the term of the appointment; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available to pay the anticipated amount of the compensation, fees and disbursement for these services.

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt, Bergen County, New Jersey, hereby authorizes and approves the retention of Kenneth A. Porro, Esq., of the firm of Chasan Lamparello Mallon & Cappuzzo, P.C., as Special Counsel on the terms as set forth above and further authorizes and directs the initiation of legal proceedings by the filing of a Complaint against the State of New Jersey, Division of Taxation as to its improper "Table of Equalized Valuations" findings and seeking any and all other equitable relief; and

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**BE IT FURTHER RESOLVED** that said cause of action shall be filed on an expedited basis; and

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value to be placed on file with this resolution; and

**BE IT FURTHER RESOLVED** that his contract is awarded without competitive bidding as an “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for professional legal services.

**BE IT FURTHER RESOLVED** that notice of this action shall be printed once in the official newspaper of the Borough of Carlstadt.

**Certification as to the availability of funds:**

The Chief Financial Officer/Treasurer hereby certifies that sufficient funds are available to pay the anticipated amount of the fees and disbursement for these services.

On motion by Stoltz, seconded by Roseman, unanimous on call of roll.

**CONSIDERATION OF ORDINANCES  
FIRST READING**

**ORDINANCE NO. 18-5**

**AN ORDINANCE AMENDING CHAPTER X “TRAFFIC”, SECTION 10-2 “EMERGENCY NO PARKING” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002 TO REGULATE PARKING ON PATRICIA COURT**

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Carlstadt that **Section 10-2** entitled “**EMERGENCY NO PARKING** ” of the Revised General Ordinance of the Borough of Carlstadt, 2002 is hereby amended and supplement with the addition of Patricia Court in Subsection 10-2.3 “Parking during snow emergencies” and shall hereafter read as follows:

**Chapter X. Traffic**

10-2 Emergency No Parking

10-2.3 parking during snow emergencies.

a. Notwithstanding the provisions of Subsections 10-2.1 and 10-2.2, whenever snow has fallen and the accumulation is such that it covers the street or highway, an emergency shall exist and no vehicles shall be parked upon the following streets of highways or portions thereof as follows:

1. Jefferson Street on the east side in its entirety.
2. Division Avenue on the north side in its entirety.
3. Summit Avenue on the north side in its entirety.
4. Seventh Street on the east side in its entirety.
5. Garden Street on the east side in its entirety.
6. Patricia Court both sides in its entirety.

**Savings Clause.** All other provisions of Chapter X, "TRAFFIC" shall remain in full force and effect.

**Repeal of Prior or Inconsistent Ordinances.** All ordinances or parts thereof inconsistent herewith are hereby repealed as to such inconsistency only.

**Severability.** If any section, clause, sentence or other part of this Ordinance or the application thereof to any person or circumstance shall be any reason be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

**Effective Date.** This Ordinance shall take effect immediately upon passage and publication as required by law.

#### **RESOLUTION NO. 2018-119**

**BE IT RESOLVED** that the ordinance entitled:

#### **AN ORDINANCE AMENDING CHAPTER X "TRAFFIC", SECTION 10-2 "EMERGENCY NO PARKING" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002 TO REGULATE PARKING ON PATRICIA COURT**

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 3<sup>rd</sup> day of May, 2018 at 7:00 o'clock P.M. or as soon thereafter as the matter can be reached, at the regular meeting place of the Carlstadt Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk be, and she hereby is, authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

On motion by Roseman, seconded by Zimmermann, unanimous on call of roll.

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**FIRST READING**

**ORDINANCE NO. 18-6**

**AN ORDINANCE AMENDING CHAPTER X "TRAFFIC", SECTION 10-3 "PARKING" OF REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002 TO REGULATE PARKING**

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Carlstadt that **Schedule II of Section 10-3.3** entitled **"PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN DAYS "** of the Revised General Ordinance of the Borough of Carlstadt, 2002 is hereby amended as follows:

**DELETE:**

<i>Name of Street</i>	<i>Side</i>	<i>Hours/Days</i>	<i>Location</i>
Berry Avenue	North	9:00 A.M. to 11:00 A.M, Thurs.	Entire length from Hackensack Street to dead end and Sixth Street to Route 17

**INSERT:**

<i>Name of Street</i>	<i>Side</i>	<i>Hours/Days</i>	<i>Location</i>
Berry Avenue	North	9:00 A.M. to 11:00 A.M. Thurs.	Hackensack Street to dead end and Sixth Street to Tenth Street
		6:30 A.M. to 7:30 A.M. Sat.	Tenth Street to Route 17

**Savings Clause.** All other provisions of Chapter X, "TRAFFIC" shall remain in full force and effect.

**Repeal of Prior or Inconsistent Ordinances.** All ordinances or parts thereof inconsistent herewith are hereby repealed as to such inconsistency only.

**Severability.** If any section, clause, sentence or other part of this Ordinance or the application thereof to any person or circumstance shall be any reason be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

**Effective Date.** This Ordinance shall take effect immediately upon passage and publication as required by law.

**RESOLUTION NO. 2018-120**

**BE IT RESOLVED** that the ordinance entitled:

**AN ORDINANCE AMENDING CHAPTER X “TRAFFIC”, SECTION 10-3 “PARKING” OF REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002 TO REGULATE PARKING.**

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 3<sup>rd</sup> day of May, 2018 at 7:00 o'clock P.M. or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk be, and she hereby is, authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

On motion by Zimmermann, seconded by Emerson, unanimous on call of roll.

**FIRST READING**

**ORDINANCE NO. 18-7**

**AN ORDINANCE AMENDING SUBSECTION 21-21 “SPECIAL REGULATIONS” OF CHAPTER XXI ENTITLED “ZONING,” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002**

**WHEREAS**, potential state legislation has been proposed with the intent to adopt marijuana policies which enable taxing, controlling and legalizing marijuana (Cannabis) similar to alcohol; and

**WHEREAS**, the Borough of Carlstadt, through adoption of the Municipal Code Chapter XXI has established Zoning Regulations; and

**WHEREAS**, NJSA 40:55D-62 permits the Mayor and Council to adopt or amend zoning ordinances related to the nature and extent of the uses of land and of buildings and structures thereon; and

**WHEREAS**, the Governing Body desires to ensure that such activities are not permitted within proximity of a school, church, or playground, or any commercial/industrial or residential zone; and

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**WHEREAS**, there is no area of the Borough which can safely house a business cultivating manufacturing, warehousing, distributing or selling marijuana (Cannabis) and/or the paraphernalia that facilitates the use of such marijuana (Cannabis) for recreational use; and

**WHEREAS** the proposed amendment to the Zoning Code, Chapter XXI, clarifies that the cultivation, manufacture, warehousing, distribution and sale of marijuana (Cannabis) and/or the paraphernalia that facilitates the use of such marijuana (Cannabis) for recreational uses are prohibited in all Zones established under the Carlstadt Zoning Code; and

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Carlstadt that Subsection 21-21 entitled “Special Regulations” of Chapter XXI “Zoning”, shall be amended and supplemented with the addition of Subsection 21-21.13 which shall read as follows:

*21-21.13 Marijuana (Cannabis) Prohibited*

a. The cultivation, manufacture, warehousing, distribution and sale of marijuana (Cannabis) and/or the paraphernalia that facilitates the use of such marijuana (Cannabis) for recreational use is prohibited in all Zones established in the Borough as set forth in Section 21-4 of this Chapter entitled “Establishment of Zones”.

b. Definition: Marijuana (Cannabis) – All parts of the plant *Cannabis sativa* Linneaus, *Cannabis indica* or *Cannabis ruderalis*, whether growing or not; the seeds thereof, the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. Cannabis also means the separate resin, whether crude or purified, obtained from cannabis. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture salt derivative mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination. For purposes of this Chapter, Cannabis does not mean Industrial Hemp.

In all other respects, Chapter XXI entitled “Zoning,” shall remain in full force and effect.

Repealer: All Ordinances and parts thereof repealed to the extent that they are in such conflict or inconsistent.

Severability: If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed to be valid and effective.

Effective Date: This Ordinance shall take effect immediately upon passage and publication as required by law.

**RESOLUTION NO. 2018-121**

**BE IT RESOLVED** that the ordinance entitled:

**AN ORDINANCE AMENDING SUBSECTION 21-21 “SPECIAL REGULATIONS” OF CHAPTER XXI ENTITLED “ZONING,” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF CARLSTADT, 2002**

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 3<sup>rd</sup> day of May, 2018 at 7:00 o'clock P.M. or as soon thereafter as the matter can be reached, at the regular meeting place of the Carlstadt Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk be, and she hereby is, authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

On motion by Bartlett, seconded by Zimmermann, unanimous on call of roll.

Mayor Lahullier entertained a motion for the following people to be Stand-by Crossing Guards subject to background checks, James Haines and Luz Valencia. Councilman Roseman offered the name of Mary French. On motion by Bartlett, seconded by Zimmermann, unanimous on call of roll.

**EXECUTIVE SESSION MEETING ACT  
RECESS INTO CLOSED SESSION**

**WHERE**, it is necessary for the Governing Body of the Borough of Carlstadt to conduct an executive session closed to the public in order to discuss one or more of the following subjects: potential litigation

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Council of the Borough of Carlstadt hereby moves to go into executive session in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. Seq. for the purpose of discussing one or more of the following subjects: potential litigation

**AND, BE IT FURTHER RESOLVED** that the public will be informed either later this evening after reconvening the public meeting or at a future public meeting said date is not predictable at the present time.

**AND, BE IT FURTHER RESOLVED** that the matters discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

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Mayor Lahullier entertained a motion to go into closed session at 10:14 P.M. On motion by Roseman, seconded by Bartlett, unanimous on call of roll.

The meeting went back into open session at 10:30 P.M. with the following members in attendance: Mayor Lahullier, Councilmen Zimmermann, Stoltz, Bartlett, Lenoy, Emerson and Roseman.

**COUNCILMAN RICHARD BARTLETT**

He wanted to know if Joseph Orlando, Assistant Project Manager, checked into the two web sites. Joseph Crifasi, DPW Operation Manager, said he did. Councilman Bartlett said to please get the information so Claire can get authorization to advertise the vehicle by a certain date. Councilman Bartlett said this is a government site that puts municipal equipment on it.

Councilman Bartlett made a motion to have Claire Foy to get an auction date to advertise vehicles, seconded by Zimmermann, the motion was unanimously approved.

**COUNCILMAN JAMES LENOY**

There have been issues on Broad Street going to Garden Street. This has to do with the stop sign on Washington Street. There needs to be another stop sign along Broad Street. Mayor Lahullier said have the Police Chief do a survey to see if a stop sign is recommended at Broad and Lincoln Streets. A motion was made by Lenoy, seconded by Emerson, unanimous on call of roll.

**COUNCILMAN ROBERT ZIMMERMANN**

He had nothing to discuss at this time.

**COUNCILMAN JOSEPH EMERSON**

He told the Council about services for Mark Roth at Kimak's tomorrow. Councilman Emerson made a motion to approve a dish garden for Mark Roth, Thomas Llewellyn and John Palsi, seconded by Bartlett, unanimous on call of roll.

**COUNCILMAN DAVID STOLTZ**

He had nothing to discuss at this time.

**COUNCILMAN WILLIAM ROSEMAN**

He had nothing to discuss at this time.

Mayor Lahullier went over correspondence that was received.

The Wildcat Hoop Club is a booster organization and they are asking us to contribute \$425.00 towards this program. On motion by Roseman, seconded by Lenoy. Councilmen Zimmermann, Stoltz, Lenoy, Emerson and Roseman voted yes. Councilman Bartlett was not present for the vote.

A letter was received from Erin Hughes from the Carlstadt Public Library Children's Department to request the use of the Village Green Park on August 2, 2018, rain date August 9, 2018 from 3:00 P.M. to 5:00 P.M. Mike Dennis from Traditional Earth Skills will demonstrate Wilderness Skills.

On motion by Stoltz, seconded by Lenoy, Councilmen Zimmermann, Stoltz, Lenoy, Emerson and Roseman voted yes. Councilman Bartlett was not present for the vote.

Mayor Lahullier entertained a motion to move forward on the Letter of Intent for the Garden Street property. On motion by Zimmermann, seconded by Roseman, unanimous on call of roll.

Mayor Lahullier entertained a motion to adjourn the meeting at 10:47 P.M. On motion by Bartlett, seconded by Roseman, unanimous on call of roll.

APPROVED: \_\_\_\_\_  
CRAIG LAHULLIER, MAYOR

ATTEST: \_\_\_\_\_  
CLAIRE FOY, BOROUGH CLERK